

**Key Elements of LD 1858 (Part A), Public Law 2011, Chapter 635**  
**Title 20-A chapter 508**

1. Each school administrative unit must develop and implement a performance evaluation and professional growth system for educators.
  - Prior law did not require evaluations for any staff other than probationary teachers.
  - As under prior law, the school board determines the “method” of evaluation and the superintendent is responsible for implementing the school-board-adopted evaluation method.
2. The performance evaluation and professional growth system developed and implemented by SAUs must:
  - A. Comply with criteria set forth in Maine law, Title 20-A chapter 508;
  - B. Comply with department rules to be developed over the next year; and
  - C. Be approved by the Maine Department of Education.
3. Under Title 20-A, chapter 508, the elements of an evaluation and growth system include:
  - A. Standards of professional practice by which teachers and principals are evaluated;
  - B. Multiple measures of effectiveness, including student learning and growth;
  - C. Four-level rating system that differentiates among educators based on standards of professional practice (A) and multiple measures (B), and attaches consequences to each level;
  - D. A process for using information from the evaluations to inform professional development;
  - E. Implementation procedures that ensure fairness, including a requirement for regular evaluations, ongoing training, peer review components and a local steering committee to review and refine the system; and
  - F. The opportunity for an educator rated “ineffective” to implement a professional improvement plan.
4. Connection to professional development and to personnel decisions
  - Information from the evaluations must be used to inform professional development
  - An educator rated Ineffective must have an opportunity to develop and implement a professional improvement plan
  - Two consecutive years of an ineffective rating constitutes “just cause” for nonrenewal of a teacher’s contract, unless the ratings are the result of bad faith
  - Grievances regarding an evaluation are limited to the process used in the evaluation (whether it was implemented in a manner consistent with the evaluation system) and the existence of bad faith on the part of the evaluator. Professional judgment of the evaluator cannot be grieved.
  - A teacher’s summary effectiveness rating must be one of the factors taken into account in determining the order of layoff and recall of teachers.

5. There is a 4-year phase-in for the requirement:

- During the 2012-13 school year, the Department, in collaboration with stakeholders and the Legislature, will flesh out the requirements for the systems, and will collect and/or create model systems
- During the 2013-14 school year, each SAU will develop and adopt their locally-determined evaluation systems, and seek approval of the system from the Maine Department of Education.
- During the 2014-15 school year, each SAU will pilot its evaluation system, and adjust if needed based on the pilots
- During the 2015-16 school year, all educators must be evaluated and provide professional growth opportunities under a system that meets the criteria set forth in the statute and the rule, and that is approved by the Department of Education

6. Criteria will be fleshed out by Department of Education rules. The rules will be proposed by the Department, and will be based on recommendations from a 15-member stakeholder group, the Maine Educator Effectiveness Council (Council or "MEEC"). The Council is created in LD 1858.

- The Council is appointed by the Commissioner of Education and includes 4 teachers, 2 administrators, 2 school board members, a member of the State Board of Education, a representative of the tribal schools, an educator preparation program faculty member, 2 business members and 2 members of the general public
- The Council must submit a report to the Commissioner by November 1, 2012. The report will include recommendations regarding the required elements of an evaluation and professional growth system. For example, the Council will recommend either a single named set of professional practice standards (e.g., InTASC or ValEd), a list of specific standards from which SAUs may choose, or a set of standards that could be incorporated into a locally-developed or an established set of standards.
- The Department will begin a rulemaking process based on the recommendations (although the proposed rule may differ in some aspects from the recommendation). The public will have an opportunity to comment on the proposed rule in the Administrative Procedures Act (APA) process within the Department.
- After considering public comments and amending the rule, if needed, the Department will submit the rule to the Legislature, early in the next legislative session. The Legislature's Education Committee will then hold a public hearing on the rule and determine whether to allow the department to finally adopt the rule

7. The Essential Programs and Services (education funding) law is amended to create a targeted fund category entitled "Targeted funds for educator evaluation."

- The Department will determine an amount available to assist SAUs in developing and implementing performance evaluation and professional growth systems that comply with Title 20-A, chapter 508

8. The Department will adopt rules relating to determination of a "teacher of record" for each student, as required to be able to link student achievement or growth to a specific teacher or teachers.